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Date:

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Examiner Harry D. Wilkins, III

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USPTO
Group Art Unit 1742

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OFFICIAL FILING

In re: Norman R. Byrd, et al.

Application No. 10/676,860, filed September 30, 2003

Response to Restriction Requirement attached.

Number of Pages: (including cover page) 3

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MAR 03 2006

Attorney's Docket No. 038190/294893

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Byrd *et al.* Confirmation No.: 7651
Appl No.: 10/676,860 Group Art Unit: 1742
Filed: September 30, 2003 Examiner: Harry D. Wilkins, III
For: ELECTROCHEMICAL DEPOSITIONS
APPLIED TO NANOTECHNOLOGY COMPOSITES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated February 3, 2006, in which the Examiner has required restriction between Group I, namely Claims 1 – 3 and 5 – 7, and Group II, namely Claims 4 and 8. Applicant hereby provisionally elects with traverse to prosecute the claims of Group I (Claims 1 – 3 and 5 – 7) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Notwithstanding the above-required election, Applicant submits that the restriction requirement is improper and that all of the claims should be considered during the examination of this application. In this regard, the Official Action supports the restriction requirement by stating that “[i]n the instant case the product as claimed can be made by another and materially different process, such as a non-electrolytic coating process.” First, the claims of Group II (Claims 4 and 8) are product-by-process claims which recite an electrolytic coating process in which the fiber serves as an electrode such that the nanomolecular layer is chemically bonded to the fiber. Not only does the express language of Claims 4 and 8 specify that the product will be made by an electrolytic coating process, as opposed to the non-electrolytic coating process contemplated by the Official Action, but Applicant submits that a non-electrolytic coating process would be incapable of making the product as claimed.

In this regard, the nanomolecular layer that is bonded to the fiber as a result of the process set forth by Claims 4 and 8 imbues the fiber with unique properties that would not be attained by non-electrolytic coating processes as suggested by the Official Action. In this regard, non-electrolytic coating processes would only produce a physical attachment between a coating in the underlying fiber, at least sometimes with a space remaining between portions of the coating and the fiber due to sizing or otherwise, in comparison to the chemical bond of the coating to the fiber attained by the electrolytic process set forth by Claims 4 and 8. For each of the foregoing reasons,

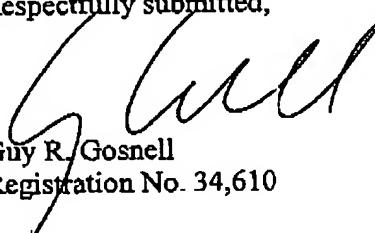
Appl No.: 10/676,860
Amdt. dated 03/03/2006
Reply to Restriction Requirement of 02/03/2006

Applicant therefore submits that the basis of restrictions set forth by the Official Action is improper and that all of the claims should be examined without restriction.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

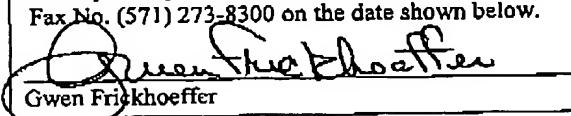


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March 3, 2006
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CLT01/4797982v1